



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 26, 1996

Mr. James Showen  
Sr. Assistant City Attorney  
Legal Department  
City of Tyler  
P.O. Box 2039  
Tyler, Texas 75710

OR96-0416

Dear Mr. Showen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37405.

The City of Tyler (the "city") received a request for information concerning a juvenile. Specifically, the requestor seeks the abuse/neglect investigation about a juvenile and certain teachers of the Tyler Independent School District. You claim, however, that the city does not have a report about an assault by teachers on the juvenile, but the city does have a report about the juvenile assaulting the teachers. You contend that the information is excepted from required public disclosure under section 552.101 of the Government Code as information made confidential by law.

Although the city contends that it does not have the report the requestor is seeking, the documents submitted for our review are part of a child abuse/neglect investigation on the juvenile. There are apparently two separate investigations into the alleged assault of the teachers by the juvenile. The abuse/neglect investigation was closed when the investigating officer discovered the other assault investigations. We assume that the closed abuse/neglect report became part of the investigation into the assault of the teachers by the juvenile.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You contend that Family Code section 51.14(d) makes the requested information confidential. The section you cited was repealed by the Seventy-fourth legislature. Act of May 27, 1995, 74th Leg., R.S., ch. 262,

§ 100, 1995 Tex. Sess. Law Serv. 2517, 2590. However, the repealing bill provides that “[c]onduct that occurs before January 1, 1996, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose.” *Id.* § 106, 1995 Tex. Sess. Law Serv. at 2591. The requested information concerns conduct that occurred before January 1, 1996.

At the time the conduct occurred, the applicable law in effect was Family Code section 51.14 which provided, in pertinent part:

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public.

Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852, *repealed by* Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590. In Open Records Decision No. 181 (1977) at 2, this office held that former section 51.14(d) excepts police reports which identify juveniles or furnish a basis for their identification. *See also* Open Records Decision No. 394 (1983) at 4-5 (applying former Fam. Code § 51.14(d) to “police blotter” and related information). You do not indicate that the offense reports at issue here relate to charges for which the city transferred the juvenile under section 54.02 of the Family Code<sup>1</sup> to a criminal court for prosecution, nor that article 15.27 of the Code of Criminal Procedure<sup>2</sup> applies. Moreover, we do not understand any of the exceptions to former section 51.14(d) to apply here. *See* Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852 (repealed 1995) (former Fam. Code § 51.14(d)(1), (2), (3)). Accordingly, we conclude that the city must withhold the requested information in its entirety under section 552.101 of the Government Code as information deemed confidential by law.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

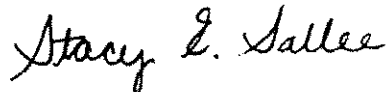
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<sup>1</sup>Act of May 25, 1973, 63d Leg., R.S., ch. 544, § 1, 1973 Tex. Gen. Laws 1460, 1476-77, *amended by* Act of May 19, 1975, 64th Leg., R.S., ch. 693, §§ 15-16, 1975 Tex. Gen. Laws 2152, 2156-57 (adding subsecs. (m), (j), (k), (l)), *amended by* Act of May 8, 1987, 70th Leg., R.S., ch. 140, §§ 1-3, 1987 Tex. Gen. Laws 309 (amending subsecs. (a), (h), (j)).

<sup>2</sup>Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 1, 1993 Tex. Gen. Laws 1850-51.

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Stacy E. Sallee".

Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/LBC/ch

Ref: ID# 37405

Enclosures: Submitted documents